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TAGS: [PREL](#) [UNSC](#) [PHUM](#) [SU](#) [FR](#) [UK](#)
SUBJECT: SUDAN: P-3 DISCUSS WAY FORWARD ON ICC INDICTMENT
COORDINATION, DARFUR PEACE PROCESS

Classified By: Political Counselor Richard Mills, reasons 1.4 (b/d).

¶1. (C) Summary. In a January 13 round of UK-France-U.S. (P-3) talks in London, Senior P-3 representatives held a shared assessment of the Darfur peace process: Darfur was at a stalemate and the situation on the ground deteriorated in ¶2008. The Sudan People's Initiative (SPI) as well as the Qatari initiative and AU-UN Mediator Jibril Bassole's work continue but are hindered by Abdul Wahid's stonewalling, making it clear that the people of Darfur and the peace process would benefit from new Fur leadership that has popular support in the IDP camps and the P-3 should seek to isolate Abdul Wahid. Bassole is making progress on his draft framework for negotiations. Given recent progress with JEM (following a visit to Washington), a new dynamic and way forward for the peace progress could be created if the international community urgently acts to isolate Abdul Wahid and support other peace-focused Fur leaders and garners broad acceptance and endorsement of Bassole's framework from the NCP, SPLM, and JEM. While a framework is no substitute for change on the ground, it could provide momentum for the peace process after the ICC indictment, if timed properly. The rebels largely remain in a "wait-and-see" mode over the ICC indictment of Bashir, which is rumored to be announced in February (possibly on the 17th). Arab and African countries and China continue to make the case for an Article 16 deferment of Bashir's probable indictment, and P-3 coordination is necessary to keep pressure on all sides for movement during this window of opportunity.

¶2. (C) Summary continued. In the UN Security Council, momentum on Sudan to prevent renewed Article 16 discussions will require significant political capital and must be deconflicted with other priorities, given existing P-3 focus as "demandeurs" on Gaza, Burma, Zimbabwe, Somalia, and Iran. P-3 representatives concurred a good way to engage the Chinese in sustained dialogue while maintaining P-3 coordination was through more regular P-5 meetings on Darfur (with particular focus on ICC reaction), an idea the Chinese recently proposed to the UK. P-3 representatives also agreed to promote a "low key" reaction in Khartoum and in the UN after the announcement of the indictment. Instigating a UNSC PRST could provoke a negative response and renew Article 16 discussions. If the GoS's response, however, shifted from a political one to threats against the security of diplomatic missions or the UN in Khartoum, it was agreed a swift, coordinated response would be necessary. Following on the indictment, the UK and France are unsure of how they will deal with Bashir, suggesting that contact may only be below ministerial level. Special Envoy Williamson made it clear the U.S. has greater flexibility, but that the new U.S. administration should discuss coordination within the P-3

about engagement with Bashir. In a separate meeting with AU Chairman Ping, P-3 representatives reiterated the common P-3 position on Article 16, praised Bassole's efforts, noted Qatar was a last chance to avoid escalation on Darfur, and supported the CPA-mandated elections in 2009. P-3 representatives agreed to meet again to discuss the ICC indictment, possibly in Paris on February 11 and possibly with a follow-on P-5 meeting. End summary.

The P-3 Convene in London

13. (C) FCO/DFID UK Special Representative for Sudan Michael O'Neill, UK Cabinet Office Africa Desk Anna French, and FCO International Department Deputy Christopher Yvon hosted P-3 meetings on Sudan in London on January 14. New French MFA AF A/S Stephane Gompertz, Sudan Desk Officer Frederic Bouvier, and French Embassy Africa Watcher Nicholas Croizer attended for France. USG representation was Senior Representative for Sudan Tim Shortley and Special Envoy Rich Williamson (via video conference). After the trilateral meetings, the P-3 representatives met with AU Chairman Jean Ping.

A Shared Assessment on Darfur: Stalemate and Deterioration in 2008

14. (C) O'Neill began by sharing his assessment of the current state of play on Sudan. A stalemate in the Darfur peace process and a deteriorating situation on the ground characterized 2008. The flurry of activity in Autumn 2008

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with the Sudan's People's Initiative (SPI), the Qatari initiative, and the work of AU-UN Joint Chief Mediator Djibril Bassole continue, but have largely been stalled by Darfari rebel leader Abdul Wahid el Nur's refusal to participate. The Justice and Equality Movement (JEM) had become more open, but generally the rebels and Government of Sudan (GoS) were in a "wait-and-see" mode because of the International Criminal Court's (ICC) pending indictment of President Bashir. Progress on the Comprehensive Peace Agreement (CPA) continues but has slowed, with the most important provisions outstanding, including elections, resolution of Abyei, and the referendum.

Replacing Abdul Wahid, Bassole's Framework, Next Steps

15. (C) Largely sharing O'Neill's assessment, Gompertz noted France's frustration with Abdul Wahid, suggesting Wahid should be isolated as much as possible and the P-3 should make efforts to find another Fur to represent Darfurians, who could possibly make a tour of P-3 capitals. Gompertz also said the brief but lately quieted discussion about a successor for Bashir had created a lot of tension in the GoS but was ultimately successful in short-circuiting dissent in the National Congress Party (NCP) and rallied the NCP leadership around Bashir once again. Shortley noted the progress Bassole had made on his framework for negotiations, which Bassole was finishing in Qatar for release within days. JEM's recent visit to Washington and proposed plan of action were helpful and represented new flexibility on JEM's part.

16. (C) It was agreed a new dynamic and way forward for the peace progress could be created if the international community urgently acts to isolate Abdul Wahid and support other peace-focused Fur leaders and garners broad acceptance and endorsement of Bassole's framework by the NCP, Sudan People's Liberation Movement (SPLM), and JEM. While a framework is no substitute for change on the ground, it could provide momentum for the peace process after the ICC indictment is issued, if timed properly. New promises, commitments, or pledges to implement a new agreement does not constitute change or merit re-assessment of the P-3 position on Article 16, however. The P-3 agreed for the U.S. and

France to share JEM's proposed plan of action with the Qataris and for Bassole to approach the AU and the GNU (NCP and SPLM).

Gaming the ICC: Timing and Article 16

¶17. (C) Both the UK and France said they believe the ICC's announcement will be in mid-February, specifically rumored to be the 17th. The UK said UK Embassy Beijing reported that China continues to pursue an Article 16 deferral but that the Chinese were "just going through the motions" and did not "really" expect it to happen. Arab and African nations will likely continue to pursue an Article 16 deferral as well, including through discussion at the January 15 African-Arab ministerial in Doha. The UK said that the Chinese had approached them about more regular P-5 coordination (with Russia and China), particularly on the ICC indictment.

¶18. (C) The P-3 agreed P-5 discussions would be a good way to engage the Chinese in sustained dialogue while maintaining P-3 coordination. While the Russians would likely be unhelpful, it was not a bad price to pay for Chinese engagement, and New York is the preferred venue because of China's "receptive" PermRep. The UK Prime Minister and Chinese President will meet on February 2, and one of the points for discussion is Darfur/Sudan, particularly the ICC. P-3 representatives agreed to meet again to discuss the ICC indictment, possibly in Paris on February 11 and possibly with a follow-on P-5 meeting.

ICC Reaction: Low Key Is the Way Forward

¶19. (C) The UK noted that the Chinese had indicated that their message to Khartoum has been to engage constructively and maintain a low key reaction, without lashing out. The UK and French continue to grapple with how they can deal directly with Bashir post-indictment, given their support for the ICC and domestic constituencies' concerns. They suggested that

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below ministerial-level contact would likely continue, but nothing above. SE Williamson made it clear the U.S. has greater flexibility, but that the new U.S. administration should discuss coordinating engagement with Bashir within the P-3. P-3 discussions should continue about how best to engage with Bashir post-indictment.

¶10. (C) The P-3 agreed that promoting a "low key" reaction in Khartoum and in the UN after announcement of the indictment was the best way forward politically and for security on the ground. Instigating a UNSC PRST could provoke a negative response and renew Article 16 discussions. The P-3 also agreed it would be best to deliver "coordinated but separate" messages to the UN in NY about the importance of a low key response. If the GoS's response, however, shifted from a political one to threats against the security of diplomatic missions or the UN in Khartoum, it was agreed a swift, coordinated response was necessary. The French asked that we consider the UNSC response after the Kushayb and Haroun indictments. SE Williamson noted it would be important to visit diplomatic missions and neighboring countries to promote a low key reaction.

UNSC Dynamics

¶11. (C) The UK observed that UNSC dynamics over the next month may mean slightly less political capital on Sudan will be available, as the P-3 are "demandeurs" on Gaza, Burma, Zimbabwe, Somalia, and Iran. If the UNSC is divided on many of these issues, it may provide opportunity for the Article 16 discussion to re-emerge. France noted that new UNSC member Turkey had concluded a military cooperation agreement with Sudan last year. While no training or material had been

transferred, it may mean coordination between the two. Williamson said that "performance over promise and process" should be required for any ICC action, especially as "procedural discussions" make things unclear in the UN.

Meeting with AU Chairman Ping

¶12. (C) In a separate meeting with AU Chairman Ping, P-3 representatives reiterated the common P-3 position on Article 16, praised Bassole's efforts, noted Qatar was a last chance to avoid escalation on Darfur, and supported the CPA-mandated elections in 2009. Ping stated that the AU had pushed Sudan on three fronts. First, on UNAMID deployment, Ping said the AU was "satisfied" with what the GoS had done, though not enough troops had been deployed rapidly enough. Second, on dialogue and the peace process, Ping noted Sudan's acceptance of Bassole and the Qatari initiative as well as development of the SPI. And, third, on the need to move on internal justice issues with regard to the previous ICC indictees and to engage with the ICC, Ping said the AU "has seen no positive movement." Ping said the AU was going to ask at the Doha meeting for the Arab League to press Khartoum to move on the third point.

¶13. (C) The UK, France, and U.S. noted the continued bombing, harassment of women's groups and NGOs, and further displacements throughout 2008; the inevitability of the ICC indictment in February; and the need for Sudan to react productively and use restraint. Williamson pressed Ping on the lack of progress on the accountability issue and said the U.S. would veto an Article 16 deferral if the vote were held today, even if the it were "14 to one." Reverting to familiar arguments and a call for the international community to press the rebels to do more, Ping said "it takes two to tango" and additional pressure needed to be put on the rebels, as the rebels should sign up to negotiations. He also mentioned the AU created a high-level panel to help Sudan comply with the ICC, but acknowledged there had been no movement.

¶14. (C) Williamson pressed Ping to use the AU's influence, as it has a "pivotal role to play" both in Khartoum and with regional players and its messages are received differently than those of the P-3. Ping said the AU is "ready to play its role" and acknowledged that the AU had some leverage in Khartoum. Shortley noted U.S. support for the cease-fire monitoring team as an important mechanism to build confidence and hold all parties accountable to a verifiable cease-fire.

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Commenting on regional players, Ping said Bashir traveled to Syria on January 12, as it shares the Arab League Chair and remains engaged in Lebanon and Middle East peace issues.

¶15. (U) Senior Sudan Representative Tim Shortley and SE Williamson's office cleared this message.

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